

# **MINUTES**

## **265th Meeting Contractors' Registration and Licensing Board December 14, 2011**

**(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:43 PM.**

**(B) Approval of the agenda and order of business was accepted on a motion by Mr. Arthur Salisbury seconded by Mr. Steven Gianlorenzo.**

**(C) The minutes of the 264th meeting were approved on a motion by Mr. Steven Gianlorenzo and seconded by Mr. Arthur Salisbury.**

**(D) Court Case Update: Christy Hetherington, the Boards attorney, informed the Board of some of the pending issues and work performed to get the restraining order requested from members at the last meeting enforced. A detailed report will be provided at next months meeting.**

**(E) Consideration of Cases on Appeal and Oral Argument:**

**NOTE: Attorney Garabedian represented the Respondents on all the appeals had thought that the letter issued to appeal the three claims also was also appealing the violations issued to his clients. After discussion on the matter and testimony from the Boards Principal**

investigator, Mike Lanni, the Board elected to allow the appeal of the two violations, in that they were all connected to some extent to the appeals filed. One of the Board members, J. Larry Brillion, recused himself from hearing the exceptions for the violations and the claims because he was friendly with one of the parties. The Board elected to stay action on this matter and tabled the violations to be heard at the February 8, 2011 meeting. Registration #33864 is valid because of the stay until a decision is rendered at the February meeting.

1.) 12:40 PM, Claim #7584; Registration #33864; Appeal of Proposed Order in regard to Claim #7584; Bolduc vs. Santos, D & A property and home improvement LLC;

exceptions filed by the Respondent. This matter was appealed to the full Board and heard on December 14, 2011 at 12:40 PM. The RESPONDENT, Annmarie Santos, Registration #33864, was represented by legal counsel Jeffrey Garabedian, the homeowner was not present. The Board reviewed this claim and the evidence presented at the administrative hearing and elected to modify the decision of the hearing officer only in regard to the amount of the fines assessed not the restitution being paid as ORDERED by the hearing officer. Therefore: the RESPONDENT, Annmarie Santos, D & A Property and Home Improvement LLC; was found to have violated Rhode Island General Law 5-65-3(j) a contractor including, but not limited to, a general contractor, shall not hire any sub-contractor or other contractor to work on a structure unless the contractor is registered under this chapter; RIGL 5-65-10(a)(14)(the registrant has

failed to complete a project for construction or a willful failure to comply with the terms of a contract or written warranty); 5-65-10(a)(12)(that the registrant has performed negligent and/or improper work), 5-65-3(m)(the contractor must see that permits required by the Rhode Island state building code are secured on behalf of the owner prior to commencing the work involved). As a result, the RESPONDENT shall pay an administrative penalty of \$10,000.00, but would be reduced to \$9,000.00 if homeowner is paid in full as ORDERED. In addition, the RESPONDENT shall pay the CLAIMANT the amount of \$5,900.00 as reflected in Exhibit #10 (Bayview Building and Remodeling's Bid Memo) dated May 20, 2011 to complete or correct the following: sheet rock job on opposite side of library room, check wiring, electrical work for laundry hook-up, installing three wood doors to match existing, replace shelves in food storage closet, finish installing sub-floor in family room, install floor in family room (labor only), install moulding where needed, replace ceiling light covers, apply second coat of stain on back of house, paint double doors leading into sunroom, remove debris on walls, spot prime and paint, clean, sand, re-stain and polyurethane stairs. Payment is due in the form of a certified check or money order within (30) thirty days of the issuance date of this ORDER. If payment is timely made fines would be reduced by \$1,000.00 pursuant to the Boards revision of this ORDER. Motion was made by Felix Carlone and seconded by William Nash and unanimously passed by the Board to reduce fines by \$1,000.00 if restitution provided.

**2.) 12:50 PM, Claim #7515; Registration #21994; Appeal of Proposed Order in regard to Claim #7515; Bolduc vs. Torres; exceptions filed by the Respondent. Claimant was not in attendance. This matter was appealed to the full Board and heard on December 14, 2011 at 1:50 PM. The RESPONDENT, Domenic Torres, Registration #21994, was represented by legal counsel Jeffrey Garabedian, the homeowner was represented by Attorney Friel and also attended this hearing. The Board reviewed this claim and the evidence presented at the administrative hearing and elected to modify the decision of the hearing officer only in regard to the amount of the fines assessed; not the restitution being paid as ORDERED by the hearing officer. Therefore: the RESPONDENT, Domenic Torres, Registration #21994, was found to have violated Rhode Island General Law 5-65-10(a) (11) (the registrant breached a contract). Pursuant to RIGL 5-65-10(c) (for each first violation of a particular section of this chapter or any rule or regulation promulgated by the Board, a fine not to exceed five thousand dollars (\$5,000.00) may be imposed after a hearing by the Board. RESPONDENT violated RIGL 5-65-10(a) (9) by engaging in repeated acts in violation of chapter 5-65 and the Board's rules and regulations inclusive of sub-standard workmanship and any misuse of registration. As a result, the RESPONDENT shall pay an administrative penalty of \$5,000.00 pursuant to RIGL 5-65-10 (c) (1); however, the Board will reduce this fine by \$1,000.00 if restitution so ORDERED by the Board is paid in full. In addition, the RESPONDENT shall pay the CLAIMANT, Cynthia Bolduc, the amount of \$3,000.00 for the labor and materials to install the lally columns in the basement as**

stated in Exhibit #7 (contract dated 7-15-10) which had never been performed. Payment is due in the form of a certified check or money order within (30) thirty days of the issuance date of this ORDER. If payments timely made, the fines originally issued by the hearing officer will be reduced by \$1,000.00 pursuant to the Boards modification to this ORDER appealed. Motion was made by Felix Carlone and seconded by William Nash to modify the fines in the ORDER by \$1,000.00 if payment was made to the Claimant as ORDERED. Motion carried unanimously.

3.) 1:00 PM, Claim #7612; Registration #33864; Norton vs. Santos, D & A Property and Home Improvement LLC.; exceptions filed by the Respondent. Both parties were present and had the opportunity to present exceptions. The Homeowner was looking for \$16,100.00 to be made whole but at the hearing the waiver of trial by jury was not signed so a monetary settlement was not addressed at the hearing only fines were assessed. After much discussion and interest of the parties to try and settle this claim the Board on a motion by Felix Carlone and second by Edgar Ladouceur to continue this matter for about 60 days and here it at the February 8, 2011 Board meeting; motion carried with one vote in the negative by Robert Cardoza. Items to consider for conditional reinstatement: Must follow all of the Boards rules and regulations; all contracts must be provided to the Board within 48 hours; must show payroll employees; principle of company must interact with parties; all monies are to go to D & A properties; any violations the Boards Director can Revoke

registration; maximum of 25% down for deposits; subject to compliance of claims 7584 & 7514; proper insurance coverage.

#### **EXPUNGEMENTS:**

1.) 1:20 PM, Registration #1831, A & T Construction Inc., Antonio Pereira, Expungement request for Claim #280 and Violation #967. Board heard the request and reviewed information provided and on a motion by Ed Ladouceur and second by William Nash & Steve Gianlorenzo the Board unanimously decided to deny the request for expungment.

2.) 1:30 PM, Registration #1858, New England Building Co Inc., Nicholas Deraimo Jr., Expungement request for Claim #6745. Board heard the request and reviewed information provided and on a motion by Edgar Ladouceur and second by J.L. Brillion the Board unanimously decided to deny the request for expungment.

3.) 1:35 PM, Registration #24215, Triple E Holdings, LLC., Eze Aso, Expungement request for Claim #4676. Board heard the request and reviewed information provided and on a motion by Edgar Ladouceur and second by J.L. Brillion the Board unanimously decided to deny the request for expungment.

**(F) Report of the Executive Director and Staff:**

**(1) Statistics Report: 12/14/2011**

**Registrations:**

|                                  |       |
|----------------------------------|-------|
| Number of Registered Contractors | 11645 |
| Number of Cards Surrendered      | 5604  |
| Number of Cards Expired/Lapsed   | 16092 |
| Number of Cards Invalidated      | 1049  |
| Number of Cards Suspended        | 496   |
| Number of Cards Revoked          | 98    |

|                      |                     |
|----------------------|---------------------|
| Registration Actions | 11/09/11-12/14/2011 |
|----------------------|---------------------|

|                                      |       |
|--------------------------------------|-------|
| Number of New Registered Contractors | 59    |
| Number of Renewed Contractors        | 11586 |
| Number of Cards Surrendered          | 22    |
| Registrations Invalidated            | 1     |
| Registrations Suspended              | 10    |
| Registrations Revoked                | 1     |

**Claims:**

|                         |    |
|-------------------------|----|
| Administrative Appeals  | 3  |
| Board Appeals           | 4  |
| Address Trace           | 85 |
| Awaiting Further Action | 31 |

**Court**

|                       |    |                     |
|-----------------------|----|---------------------|
| Disposed              |    | 6268                |
| Final Orders          | 48 |                     |
| Hearings              | 36 |                     |
| Out of State Services | 17 | Proposed Orders 111 |
| Under Investigation   |    | 96                  |

|                                   |      |
|-----------------------------------|------|
| Total Claims Filed with the Board | 7319 |
|-----------------------------------|------|

|                                |    |
|--------------------------------|----|
| Number of New Claims Processed | 19 |
|--------------------------------|----|

11/09/2011-12/14/2011

#### Violations:

|                             |    |      |
|-----------------------------|----|------|
| Action Against Registration | 24 |      |
| Advertising                 | 3  |      |
| Cancelled Insurance         |    | 1405 |
| Notice of Hearing           | 48 |      |

|               |      |
|---------------|------|
| TOTAL RECORDS | 2313 |
|---------------|------|

|                          |   |
|--------------------------|---|
| Number of New Violations | 9 |
|--------------------------|---|

11/09/2011-12/14/2011

#### Lapsed Registrations/Never Re-Newed:

|         |      |
|---------|------|
| January | 2011 |
|---------|------|



|            |                  |             |
|------------|------------------|-------------|
| <b>53</b>  | <b>February</b>  | <b>2011</b> |
| <b>69</b>  | <b>March</b>     | <b>2011</b> |
| <b>83</b>  | <b>April</b>     | <b>2011</b> |
| <b>93</b>  | <b>May</b>       | <b>2011</b> |
| <b>87</b>  | <b>June</b>      | <b>2011</b> |
| <b>97</b>  | <b>July</b>      | <b>2011</b> |
| <b>60</b>  | <b>August</b>    | <b>2011</b> |
| <b>82</b>  | <b>September</b> | <b>2011</b> |
| <b>113</b> | <b>October</b>   | <b>2011</b> |
| <b>97</b>  | <b>November</b>  | <b>2011</b> |
| <b>130</b> | <b>December</b>  | <b>2011</b> |

|              |                         |
|--------------|-------------------------|
| <b>Month</b> | <b># Tickets Issued</b> |
| <b>Fines</b> |                         |

|                   |          |
|-------------------|----------|
| <b>January</b>    | <b>0</b> |
| <b>\$00.00</b>    |          |
| <b>February</b>   | <b>1</b> |
| <b>\$250.00</b>   |          |
| <b>March</b>      | <b>1</b> |
| <b>\$550.00</b>   |          |
| <b>April</b>      | <b>2</b> |
| <b>\$1,000.00</b> |          |
| <b>May</b>        | <b>3</b> |
| <b>\$800.00</b>   |          |
| <b>June</b>       | <b>3</b> |
| <b>\$1,500.00</b> |          |
| <b>July</b>       | <b>5</b> |
| <b>\$2,000.00</b> |          |
| <b>August</b>     | <b>0</b> |
| <b>\$ 00.00</b>   |          |
| <b>September</b>  | <b>1</b> |
| <b>\$250</b>      |          |
| <b>October</b>    | <b>2</b> |
| <b>\$750</b>      |          |
| <b>November</b>   | <b>5</b> |
| <b>\$2,250.00</b> |          |

**Commercial Roofers: 12/14/2011**

|                           |            |
|---------------------------|------------|
| <b>Number registered</b>  | <b>138</b> |
| <b>Number surrendered</b> | <b>17</b>  |
| <b>Number invalidated</b> | <b>53</b>  |
| <b>Number suspended</b>   | <b>1</b>   |
| <b>Number revoked</b>     | <b>0</b>   |
| <b>Pending approval</b>   | <b>0</b>   |

**Registration Actions; 11/09/2011-12/14/2011**

|   |            |
|---|------------|
| <b>Number of New Registered Contractors</b> | <b>0</b>   |
| <b>Number of Renewed Roofer Contractors</b> | <b>137</b> |
| <b>Number of Cards Surrendered</b>          | <b>0</b>   |
| <b>Number of Expired/Lapsed</b>             | <b>0</b>   |
| <b>Registrations Invalidated</b>            | <b>0</b>   |
| <b>Registrations Suspended</b>              | <b>0</b>   |
| <b>Registrations Revoked</b>                | <b>0</b>   |

**(G) Old Business:**

**(1.) Review of regulations, laws and standards, established by sub-committee,**

**report of committees and progress. No meetings have been held yet on this matter and no further progress. Legal Counsel and the Executive Director will meet to review these standards further and then bring modifications to sub-committee for discussion when time permits. Work has been proceeding with the education requirements**

**and hopefully they will be ready by the beginning of next year.**

**(H) New Business:**

**(1.) Budget: Funds need to be utilized to purchase two new card machines**

**and to be used with the new software to be ready for picture identification cards.**

**(2.) Computer Software Program Update on Progress (DBR), CAVU; Board**

**has been proceeding and making progress. Projected date early months of next year.**

**(3.) Retention Schedule; Legal counsel discussed with the Board some possible**

**modifications to the schedule which will be given more consideration in the near future.**

**(4.) Board was advised that the position of investigator posted in mid June has**

**Was just released to have interviews and hire. Additionally; another**

staff member retired who works the counter so we are down to one person at the counter. Currently the Board is down four (4) positions or about 25% staff reduction. Work continues to accumulate regarding violations, and claims are not being processed or investigated as quickly as in the past due to reductions. These staff reductions have had a impact on the enforcement aspect of the Boards operation which has resulted in a loss of revenue.

(5.) Legislation; Home Inspector legislation may be submitted early in the session to try and implement this unfunded program. Additional legislation may be submitted regarding requiring code books to be issued to each registrant as part of registration fee, insurance cancellation modifications, commercial roofing requirements and felony modification for repeat offenders. Additionally the Attorney General may be submitting legislation as part of his commission findings.

**(6.) Education: Currently we are working with the Rhode Island Builders Association in developing criteria for continuing education as well as possible classes. This could be ready for early next year to be put forth for public hearing.**

**(7.) NASCLA: Meeting of Executive Board and Model Legislation Committee schedule for mid January in Utah, Park City.**

**(8.) Request for Proposal: The Board working with the Department of Labor was included in an RFP to seek testing companies to provide the RICRLB with an avenue to test Home Inspectors and Commercial Roofers Selection was determined and will hopefully get final approval from Purchasing. Selection was made and awaiting approval process.**

**(9) Request by municipalities to take action regarding returned checks in regard to permits filed by registered contractors. Action could be taken in this regard pursuant to RIGL 5-65-10 ( a ). A motion was**

**made by Edgar**

**Ladouceur and seconded by Steve Gianlorenzo to pursue this matter when**

**requested by the Building Officials. This motion carried unanimously.**

**(I) Public Comment: None**

**(J) Announcements: The next Board meeting is scheduled for Wednesday**

**January 11, 2012 at 12:30 PM Conference Room "A", 2nd Floor, One Capitol Hill, Providence, Rhode Island.**

**(K) Adjournment: A motion was made by Mr. Paul Brunetti and seconded by Mr.**

**Steven Gianlorenzo to adjourn at 3:50 PM.**

**Members Present: A. Salisbury, E. Ladouceur, William Geddes, R. Cardoza, Felix**

**Carlone, Paul Brunetti, T Furey, S.Gianlorenzo, W. Nash,**

**Steven Carlino and J. Lawrence Brillon.**

**Members Absent: E. Anderson, who resigned from the Board,  
Martin**

**Ezeama, David Caldwell and R.Caniglia.**

**Others Present: George Whalen (Executive Director), Christy  
Hetherington (Attorney  
Generals Office, legal counsel), stenographer,  
staff and parties for  
appeals, motions and expungements.**

**Respectfully Submitted,**

**George W. Whalen  
Executive Director  
Rhode Island Contractors' Registration and Licensing Board**